

structure. The Office Action states that the product of Group II may be made by the "distinct process of stepwise synthesis of the biopolymer in the claims onto a carbon nanotube electrode" and that this is materially distinct from contacting a carbon nanotube electrode with a pre-made biopolymer. Applicants respectfully disagree.

Applicants submit that claim 1, on its face, is not limited to contacting a carbon nanotube electrode with a fully pre-made biopolymer. Contacting a carbon nanotube electrode with an existing biopolymer, contacting a carbon nanotube electrode with a partially-formed biopolymer and synthesizing a biopolymer onto a carbon nanotube electrode are all species of "contacting the electrode with a biopolymer." Thus, as the asserted process is within the scope of claim 1, it is not an "other and materially different" process.

Further, by this Preliminary Amendment, Applicants add new claim 17, which recites that contacting the electrode with the biopolymer comprises contacting the electrode with an existing biopolymer.

It is also respectfully submitted that the subject matter of all claims is sufficiently related that a thorough search for the subject matter of either Group of claims would encompass a search for the subject matter of the remaining claims. In addition, Applicants submit that the subject matter of both species is sufficiently related that a thorough search for the subject matter of either species would encompass a search for the subject matter of the remaining species, and further submit that two species is a reasonable number of species for examination. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should

apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Julie M. Seaman
Registration No. 51,156

JAO:JMS/jam

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OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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